

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
AUGUST 7, 2007
MINUTES**

ROLL CALL	A.	The regular meeting of the Common Council was held on August 7, 2007 and called to order at 7:16 p.m. by Mayor Taylor in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Aldermen Olson, Solomon, Hammelman, Kosovich, Sohns and Skowronski. Also present were City Engineer Bennett, Fire Chief Martins, Planning Manager Dietl, Director of Administration Luberda, City Attorney Wesolowski and City Clerk Wesolowski.
CITIZEN COMMENT	B-1.	Citizen comment period was opened at 7:16 p.m. and closed at 8:00 p.m.
MINUTES-07/17/07	C-1.	Alderman Olson moved to approve minutes of the regular meeting of July 17, 2007 with a correction to Item F-18e. Seconded by Alderman Kosovich. On roll call, Aldermen Olson, Solomon, Kosovich, Sohns and Skowronski voted Aye; Alderman Hammelman abstained. Motion carried.
HEARING	D-1.	The public hearing regarding special assessment for reconstruction of S. 51st Street from W. Rawson Avenue to a point approximately 1300 feet to the north and the intersection of S. 51st Street with W. Rawson Avenue was opened at 8:02 p.m. and closed at 9:30 p.m. (See Items F-9 and F-10.)
CONSENT AGENDA		Alderman Sohns moved to approve the following consent agenda items:
EAGLE SCOUT PROJECT;	F-1a.	Hold request from Eric Greenfield for permission to place party package donation collection stations in City buildings for Eagle Scout project;
HALLOWEEN;	F-1b.	Establish Sunday, October 28, 2007 from 4-7 p.m. as the date and time for the Halloween Trick-or-Treat observance in the City of Franklin;
RES. 2007-6319 EASEMENT;	F-1c.	Adopt Resolution No. 2007-6319, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO APPROVE A REQUEST TO VACATE AN EXISTING 30 FOOT DRAINAGE EASEMENT AT 11809 W. SCHERREI DRIVE;
ORD. 2007-1914 ORDINANCES;	F-1d.	Adopt Ordinance No. 2007-1914, AN ORDINANCE TO AMEND THE GENERAL ORDINANCES OF THE CITY OF FRANKLIN, WISCONSIN;
POST-EMPLOYMENT BENEFITS;	F-1e.	Approve submitting local government investment options resolution urging support of Senate Bill 93 and Assembly Bill 184 to the Wisconsin legislature;
CELL PHONE;	F-1f.	Receive and file the report of the Director of Administration indicating administrative actions on the City's cell phone arrangements.
		Approval of consent items seconded by Alderman Solomon. All voted Aye; motion carried.

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| PLANNING
SERVICES | F-2. | Alderman Sohns moved to authorize the retention of Ruekert & Mielke, Inc. to provide professional planning services. Seconded by Alderman Olson. All voted Aye; motion carried. |
| RES. 2007-6320
CSM-
ICON
DEVELOPMENT | F-3. | Alderman Kosovich moved to adopt Resolution No. 2007-6320, A RESOLUTION CONDITIONALLY APPROVING A 2-LOT CERTIFIED SURVEY MAP IN THE NORTHWEST 1/4 OF SECTION 15 AND THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (ICON DEVELOPMENT CORPORATION, APPLICANT) (APPROXIMATELY NORTH OF WEST PUETZ ROAD AND BETWEEN SOUTH 68TH STREET AND SOUTH 76TH STREET). Seconded by Alderman Skowronski. All voted Aye; motion carried. |
| ORD. 2007-1915
REZONING-
ICON
DEVELOPMENT | F-4. | Alderman Kosovich moved to adopt Ordinance No. 2007-1915, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT, C-1 CONSERVANCY DISTRICT AND P-1 PARK DISTRICT TO R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT (ICON DEVELOPMENT CORPORATION, APPLICANT) (APPROXIMATELY NORTH OF WEST PUETZ ROAD AND BETWEEN SOUTH 68TH STREET AND SOUTH 76TH STREET). Seconded by Alderman Hammelman. All voted Aye; motion carried. |
| RES. 2007-6321
PRELIMINARY PLAT-
WHISPERING
WOODS | F-5. | Alderman Kosovich moved to adopt Resolution No. 2007-6321, A RESOLUTION CONDITIONALLY APPROVING A PRELIMINARY PLAT FOR WHISPERING WOODS SUBDIVISION (AT APPROXIMATELY NORTH OF WEST PUETZ ROAD AND BETWEEN SOUTH 68TH STREET AND SOUTH 76TH STREET) (ICON DEVELOPMENT CORPORATION, APPLICANT), as amended by the City Attorney. Seconded by Alderman Skowronski. All voted Aye; motion carried. |
| RES. 2007-6322
ICON
DEVELOPMENT | F-6. | Alderman Kosovich moved to adopt Resolution No. 2007-6322, TO ACCEPT THE STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL UPON THE APPLICATION OF ICON DEVELOPMENT FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE (WHISPERING WOODS SUBDIVISION). Seconded by Alderman Kosovich. On roll call, all voted Aye; motion carried. |

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| RES. 2007-6323
SPECIAL USE-
T-MOBILE CENTRAL,
LLC | F-7. | Alderman Skowronski moved to adopt Resolution No. 2007-6323, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR PROPERTY LOCATED AT APPROXIMATELY 11841 WEST OAKWOOD ROAD (T-MOBILE CENTRAL, LLC, APPLICANT). Seconded by Alderman Olson. All voted Aye; motion carried. |
| ORD. 2007-1916
REZONING-
CITY OF FRANKLIN | F-8. | Alderman Sohns moved to adopt Ordinance No. 2007-1916, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM C-1 CONSERVANCY DISTRICT, M-1 LIMITED INDUSTRIAL DISTRICT AND OL-2 GENERAL BUSINESS OVERLAY DISTRICT TO M-1 LIMITED INDUSTRIAL DISTRICT AND OL-2 GENERAL BUSINESS OVERLAY DISTRICT (CITY OF FRANKLIN, APPLICANT) (APPROXIMATELY SOUTH 51ST STREET NORTH OF WEST RAWSON AVENUE). Seconded by Alderman Hammelman. All voted Aye; motion carried. |
| S. 51ST STREET
RECONSTRUCTION | F-9. | Alderman Sohns moved to table a final resolution directing installation of, payment and levy of special assessment for reconstruction of S. 51st Street from W. Rawson Avenue to a point approximately 1300 feet to the north and the intersection of S. 51st Street with W. Rawson Avenue. Seconded by Alderman Solomon. On roll call, all voted Aye. Motion carried. (See Item D-1.) Alderman Sohns, seconded by Alderman Olson, then moved to allow Theodore Wieczorek to speak. All voted Aye; motion carried. Alderman Sohns, seconded by Alderman Olson, moved to return to the regular order of business. All voted Aye; motion carried. |
| RES. 2007-6324
S. 51ST STREET
RECONSTRUCTION | F-10. | Alderman Sohns moved to adopt Resolution No. 2007-6324, A RESOLUTION AWARDDING BID TO THE LOWEST BIDDER FOR THE RECONSTRUCTION OF S. 51ST STREET FROM W. RAWSON AVENUE TO A POINT 1300 FEET TO THE NORTH INCLUDING THE INTERSECTION WITH W. RAWSON AVENUE to Milwaukee General Construction, Inc. in the amount of \$1,086,986.81. Seconded by Alderman Kosovich. On roll call, all voted Aye. Motion carried. (See Item D-1.) |
| WATER MAIN-
W. ST. MARTINS
ROAD AND S.
NORTH CAPE ROAD | F-11. | Alderman Skowronski moved to not proceed with extending water on W. St. Martins Road and S. North Cape Road and inform the abutting property owners of this action. Seconded by Alderman Olson. All voted Aye; motion carried. |
| PAVEMENT
REHABILITATION-
W. PUETZ ROAD | F-12. | Alderman Olson moved to authorize staff to advertise for bids for the rehabilitation of W. Puetz Road from S. 76th Street to east of W. St. Martins Road. Seconded by Alderman Sohns. All voted Aye; motion carried. |

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| STORM DAMAGED
TREE COLLECTION | F-13. | Alderman Sohns moved to approve policy for collection and disposal of storm damaged trees. Seconded by Alderman Solomon. Alderman Sohns withdrew his motion. Alderman Skowronski then moved to approve the policy for collection and disposal of storm damaged trees as presented by the City Engineer. Seconded by Alderman Olson. All voted Aye; motion carried. |
| ORD. 2007-1917
SCHOOL CROSSING
GUARDS | F-14. | Alderman Sohns moved to adopt Ordinance No. 2007-1917, AN ORDINANCE TO PROVIDE FOR THE APPOINTMENT OF ADULT SCHOOL CROSSING GUARDS, as amended. Seconded by Alderman Kosovich. All voted Aye; motion carried. |
| CONFLICT
DISCLOSURE AND
CONSENT FORM | F-15. | Alderman Sohns moved to authorize the City Attorney to execute and deliver the Davis & Kuelthau conflict disclosure and consent dated July 25, 2007. Seconded by Alderman Olson. All voted Aye; motion carried. |
| EMPLOYMENT
AGREEMENT | F-16. | Alderman Olson moved to authorize the Mayor to execute an Employment Agreement Amendment between the City of Franklin and the part-time Fire Inspector Assistant, specifying the new wage rate of \$13.78 per hour. Seconded by Alderman Hammelman. All voted Aye; motion carried. |
| EMERGENCY
BACKUP
EQUIPMENT | F-17. | Alderman Olson moved to authorize the Director of Administration to purchase the following emergency backup computer equipment: network server-\$3,461; network security appliance-\$2,625 and network router-\$2,649 to be made from the Capital Outlay Fund, and that a future budget modification be submitted transferring funds from the 50th Anniversary Fund. Seconded by Alderman Hammelman. All voted Aye; motion carried. |
| CDBG PROJECT | F-18. | Alderman Sohns moved to authorize the Director of Administration to execute a contract or other appropriate service agreement for engineering and design services that meets CDBG requirements and the requirements of the City Attorney, that is consistent with the terms of the proposal, and that does not exceed \$4,800. Seconded by Alderman Solomon. All voted Aye; motion carried. |
| PHONE/CABLE
ACCESS ROOM | F-19. | Alderman Olson moved to authorize the Director of Administration to hire Conditioned Air Design, Inc. to add an air conditioning split-system to the phone/cable access room in City Hall at a cost of \$5,750. Seconded by Alderman Sohns. All voted Aye; motion carried. |

RECORDS
MAINTENANCE
DEVICE

F-20. Alderman Sohns moved to table the request of the Director of Administration to purchase an Email Storage & Searchable Records Maintenance Device (email archiving solution) following direct negotiation, that the purchase not exceed \$15,000 and be made from the Capital Outlay Fund, and that a future budget modification be submitted transferring the necessary funds from the 50th Anniversary Fund. Seconded by Alderman Skowronski. All voted Aye; motion carried.

POTENTIAL SEWER
SYSTEM

F-21. Relating to a potential sewer system for the southwest quadrant of the City, Alderman Sohns moved to make a policy decision to move forward recognizing that moving forward towards the development of sewer in this area of the City would be without the assistance of Milwaukee Metropolitan Sewerage District; direct City staff to work on the financial plans regarding that potential infrastructure; no infrastructure for sewer in that area of the City is to be constructed or construction to be commenced without the approval of a comprehensive master plan component as element for the area; direct the City Attorney to explore legal options with regard to financing that infrastructure installation; direct the City Engineer to work with the Director of Finance and Treasurer as to how this particular installation and its financing may be done in phases or steps, including cost benefit/pay back analysis; direct City staff to prepare a report to the Council with regard to the tax impact of the installation and the financing thereof and check the possibility of serving the area south of Franklin and Racine. Seconded by Alderman Olson. All voted Aye; motion carried.

CLAIM-
ELLINGTON

F-22. Alderman Olson moved to deny the claim Dale & Rose Ellington for reimbursement of damages sustained to their front door due to the need of the Franklin Fire Department to gain entry to claimant's premises while responding to a fire call pursuant to Wisconsin Statute 893.80 (1g), as recommended for denial by Midwest Claims Service. Seconded by Alderman Sohns. All voted Aye; motion carried.

CLOSED SESSION-
ARBITRATION
AWARD

F-23. Alderman Sohns moved to enter closed session at 10:15 p.m. pursuant to §19.85(1)(f) and (g), Stats., to confer with legal counsel who has rendered written advice on strategy related to a grievance arbitration award pertaining to the denial of employment benefits, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Hammelman. On roll call, all voted Aye. Motion carried.

Upon reentering open session at 10:35 p.m.

ARBITRATION-
CONTINUED

Alderman Sohns moved to direct the Director of Administration to approach the Union to negotiate a final resolution relative to the arbitration decision for Common Council consideration (Burton Robertson grievance, Case 67, No. 66432, MA-13525). Seconded by Alderman Kosovich. All voted Aye; motion carried.

CLOSED SESSION-
MILWAUKEE
COUNTY CIRCUIT
COURT CASE NO.
06-CV-012735

F-24.

Alderman Kosovich moved to enter closed session at 10:37 p.m. pursuant to §19.85(1)(g), to deliberate upon the negotiation of a potential resolution of a payment in lieu of taxes claim in *City of Franklin, et al. v. GSSB, LLC, et al.*, Milwaukee County Circuit Court Case No. 06-CV-012735 and to confer with the City Attorney as legal counsel for the Common Council, who is rendering advice concerning strategy to be adopted by the Council with respect to the litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Hammelman. On roll call, all voted Aye; motion carried.

Upon reentering open session at 10:55 p.m.

Alderman Sohns moved to authorize the City Attorney to settle the above matter as discussed in closed session. Seconded by Alderman Solomon. All voted Aye; motion carried.

LICENSES AND
PERMITS

H-1.

Alderman Hammelman moved to grant the following licenses subject to meeting all licensing requirements:

2007-08 Operator License to: Thomas B. Brooks, 13865 W. Thomas Drive, New Berlin with warning letter from City Clerk; Barbara M. Meyer, 5116 Norman Street, Racine pending proof of valid drivers license; Constance Addison, 1555 N. 20th Street, Milwaukee; Thomas N. Cane, 5432 Olympia Drive, Greendale; James M. Champagne, 6103 S. 36th Street, Greenfield pending payment; Lynn A. Froemming, 5545 S. 104th Street, Hales Corners; Chad C. Hoffman, 9475 S. 96th Street; Jessica L. Rozek, 10220 W. Beacon Hill Drive; Melody A. Schwartz, 1080 S. 51st Street, Caledonia; Jeffrey F. Terp, 26430 Grace Drive, Windlake and June L. Walter, 9242 S. 96th Street;

Day Care Nurseries to Ultra Mart Foods, Inc., d/b/a Pick n Save, 7201 S. 76th Street, Gregory Vengrin;

Temporary Class B Beer & Wine to Friends of the Franklin Library, Diane T. Oleson at the Franklin Library on 10/13/07;

Temporary Class B Beer to Franklin Memorial VFW Post #5272, James Champagne at St. Martins Labor Day Festival on 9/2 & 9/3/07;

**LICENSES-
CONTINUED**

Fee waiver to Franklin Memorial VFW Post #5272, St. Martin's Labor Day Fair Peddler Permit, Temporary Class B Beer and Soda, James Champagne on 9/2 & 9/3/07;

Operator license fee waiver to James M. Champagne for St. Martin's Fair Labor Day on 9/2 & 9/3/07;

and also moved to hold Operator License for Philip A. Bischoff, 602 Aber Drive, Waterford; Andrea M. Rivera, 6604 Parkedge Circle; Nicole M. Shindel, 1775 W. Timber Ridge Lane, Oak Creek; Brianne E. Sucharski, 8210 S. Wilding Drive, Oak Creek; Nora L. Kozlowski, 26150 S. Windlake Road, Windlake; John B. Lehman, 11871 Woodland Circle, Hales Corners and Carey A. O'Connell, 1213 Adams Street, Muskego, all subject to appearing before the License Committee. Seconded by Alderman Solomon. All voted Aye; motion carried.

**VOUCHERS AND
PAYROLL**

I-1.

Alderman Skowronski moved to approve net City vouchers in the range of Nos. 121481 through 121767 in the amount of \$1,894,044.20. Seconded by Alderman Kosovich. On roll call, all voted Aye; motion carried.

Alderman Sohns moved to approve the net payroll of July 20, 2007 in the amount of \$320,957.43. Seconded by Alderman Solomon. On roll call, all voted Aye; motion carried.

Alderman Olson moved to approve the net payroll of August 3, 2007 in the amount of \$317,058.84. Seconded by Alderman Kosovich. On roll call, all voted Aye; motion carried.

ADJOURNMENT

J.

Alderman Sohns moved to adjourn the Common Council meeting at 10:57 p.m. Seconded by Alderman Skowronski. All voted Aye; motion carried.